

Effective 1 October 2001

Personnel Administration  
Mandatory Retirement Date and Annual Review Policy

FOR THE GOVERNOR:

PAUL D. MONROE, JR.  
*Major General*  
*The Adjutant General*

OFFICIAL:



RICHARD E. BEARDSLEY  
*COL, GS CA ARNG*  
*Director of Administration*

**History.** This regulation replaces CA SMR REG 600-10, dated 15 July 1998.

**Summary.** This regulation prescribes the policy and procedure for requesting and obtaining annual retention approval of California State Military Reserve (CA SMR) personnel in active CA SMR service upon reaching their 64th birthday through

the mandatory retirement date (MRD) of 70 years of age.

**Applicability.** This regulation applies to all elements of the California State Military Reserve.

**Proponent and Exception Authority.** The proponent and exception authority of this regulation is the Adjutant General of the State of California. Supplementation and any exceptions to this regulation are prohibited without prior written approval from the Adjutant General.

**Interim Changes.** Interim changes in this regulation are not official unless they are authenticated by the Adjutant General via the seal of the Military Department, State of California.

**Suggested Improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms), directly to the Personnel Section, HQ, CA SMR, (CASR-P).

**Distribution.** Distribution of this regulation is CA SMR-A.

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A. Letter of Agreement - Annual Extension Review

## 1. General

When any CA SMR member reaches the statutory mandatory retirement date (MRD) of 70 years of age, that individual will be retired from active CA SMR service on the monthly drill date nearest his or her 70th birthday. There will be no exceptions to policy relating to this requirement.

a. All CA SMR members, upon reaching their 64th birthday, are subject to a formal yearly review to determine their suitability for further active CA SMR service. This review will be conducted by a CA SMR Retention Board who will review the member's physical condition, performance of duty, nature of job assignment and its impact on CNG mission capability. A report recommending retention or separation will be forwarded to the Commander, CA SMR for his review and endorsement. The Commander will forward the recommendations to the Deputy Adjutant General, Army Division, who will concur or nonconcur and forward to the CA SMR personnel directorate for appropriate action. This authority may NOT be delegated except by The Adjutant General in writing.

b. Retained individuals must occupy a valid TDA position within the CA SMR commensurate with their grade.

c. Possess a neat and professional military appearance in uniform and meet the current height and weight standards as published in CA SMR Regulation 600-9. CA SMR members subject to the yearly review must submit a current (taken within 90 days) standard army color photograph in class B uniform to verify physical appearance.

d. Submit a current physician's signed statement certifying that the individual is in good health and physically able to perform all normal duties expected for the position occupied. Have on file a current signed and dated Medical Certification Form attesting to member's physical condition and acknowledging individual's responsibility to inform HQ-SMR in writing of any changing or newly discovered medical condition serving a term of active CA SMR service. These are medical conditions which might reasonably put the individual or other members at risk during the normal course of CA SMR duty. This form will be signed yearly by all CA SMR personnel during the OER, NCOER interviews and provided for file in the individual's MPRJ with the OER or NCOER at

HQ-SMR. A copy of a Letter of Agreement - Annual Retention Review is attached in Appendix A.

e. In no case shall any individual CA SMR member remain on active status past their 70th birthday; however, nothing in this regulation shall prohibit the Adjutant General from authorizing the services of retired CA SMR personnel to serve on State Active Duty (paid or unpaid) when the needs of the State of California and/or the Military Department would benefit from such occasional and limited service. The Adjutant General shall be the sole authority in determining when circumstances warrant the use of retired personnel, how they shall be utilized, and for what period.

f. When such retired members of the CA SMR are placed on limited active duty, they will append their signatures on any official document with the post nominal appellation - CA (Ret).

Example:

John W. Dow  
Major, CA (Ret)

## 2. Yearly Review Process For All CA SMR Members Upon Reaching Age 64

The process for yearly approval requires at least a 90 day lead time. It is the sole responsibility of the individual member's unit commander to ensure that the request for annual review is properly and fully documented to include a concise explanation of the duties and nature of the critical service(s) currently being performed by the individual. A properly drafted letter containing all the necessary information to allow the retention board and subsequent reviewing authorities to make an informed decision is the key to a successful annual review.

a. Yearly Review packages should be received by HQ, CA SMR Personnel Section, via the appropriate chain of command, not later than 90 days prior to the individual's 64th birthday and yearly thereafter on their review anniversary date until age 69 if still on active SMR service.

b. The yearly review package will consist of:

1. Written request from unit commander stating reasons for extension request in relation to mission capability and outlining replacement plans.

2. Photograph in Class B uniform per paragraph 1(c).
3. Medical statement per paragraph 1(d).
4. Form 10 with TDA position, SSN, etc.

c. On approved retention applications, the individual's unit commander will be notified in writing by the HQ, CA SMR Personnel Section authenticating the extension and stating the specific period of extension as well as any restrictions placed on the individual. These restrictions might include restricted duty for medically profiled individuals or restricted wear of the uniform in some cases.

d. On disapproved applications for retention, the individual's unit commander will be notified in writing by the HQ, CA SMR Personnel Section and the individual will be retired from state service as appropriate within 30 days of the formal notification.

e. There is no appeal process for disapproved extension applications except by the Adjutant General via the appropriate chain of command through the Commander, CA SMR and the DAG-Army.

f. It is the sole responsibility of the retained individual's unit commander to make reapplication for any subsequent annual review(s) as required before the appropriate anniversary date through the individual's 69th birthday.

g. CA SMR members who do not submit requests for annual review within the time period will be separated after receiving a 30 days letter of intent to separate from CA SMR.

h. This regulation does not modify or otherwise change any provision of CA SMR REG 600-1 or 600-2, relating to statutory age limitations and other conditions for initial CA SMR appointment or enlistment or retention.

i. The CA SMR Retention Board will meet as required on letter orders and will consist of three senior CA SMR officers and, if enlisted personnel are being considered, a CSM and at least one senior CNG officer for a total of five personnel. The CA SMR Director of Personnel or his designee will act as a non-voting moderator/proctor/recorder and will provide administrative support to

members and submit any recommendations to the Commander, CA SMR for his action.

### **3. Approving Authority**

a. The final authority for any service, active or retired by CA SMR personnel is the Adjutant General of the State of California.

b. Any interim modifications or temporary exceptions to this regulation will be published in the Adjutant General's Annual CA SMR Personnel Policy Letter, normally released at the beginning of the training year by the Office of The Adjutant General.

## Appendix A

### LETTER OF AGREEMENT- ANNUAL RETENTION REVIEW

TO: Commanding General, CA SMR, through Personnel Section, HQ, CA SMR

FROM: \_\_\_\_\_ SSN: \_\_\_\_\_ DATE: \_\_\_\_\_

1. I understand and agree that I am being reviewed for continued active service in the California State Military Reserve per CA SMR REG 100-10A and at the request of the California National Guard for the convenience of the State of California.

2. I further understand and agree that should I develop any medical condition(s) during the 12 month period following this review which would reasonably exclude me from serving in the CA SMR, or would restrict my ability to perform my normal CA SMR duties or place the Military Department of the State of California at risk with respect to any potential medical liability, to myself or the health and safety of others, that I will notify the Adjutant General, through my chain of command in writing of such condition(s) within 15 days of their disclosure to me by competent medical authority.

3. I further understand and agree that if I am approved for active service under any imposed restrictions (Wear of the CA SMR uniform or restricted duties) listed below, I will abide by these restrictions without exception. I understand that I may be immediately separated for cause if I violate any of these restrictions.

Signed:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Date

\_\_\_\_\_  
Unit of Assignment

# DRAFT

FOR OTAG USE ONLY

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Approved: \_\_\_\_\_

For The Adjutant General

Individual is extended from \_\_\_\_\_ to \_\_\_\_\_

Date:

Restrictions: